

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Trappe et al.

Serial No.: 10/706,899

Filed: November 13, 2003

For: INSTRUMENT PANEL SYSTEM
WITH HIDDEN AIR BAG DOOR

Art Unit: 3612

Examiner: K. Patel

Commissioner for Patents
P.O. Box 1450
Mail Stop Amendment
Alexandria, VA 22313-1450

TRANSMITTAL

1. Transmitted herewith is:
Response To Restriction Requirement (3 pgs.), in response to Office Action dated
October 26, 2004
Transmittal Form (3 pgs.), in duplicate

STATUS

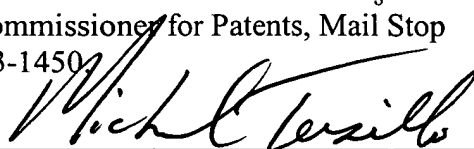
2. Applicant
☐ claims small entity status.
☒ is other than a small entity.

CERTIFICATE OF MAILING BY EXPRESS MAIL TO
THE COMMISSIONER FOR PATENTS

Express Mail No. EV504793471US

Date: November 10, 2004

I hereby certify that the documents listed above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450


Michael Tersillo, Reg. No. 42,180

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

Extension for response within:	Other than small entity Fee	Small entity Fee (if applicable)
<input type="checkbox"/> first month	\$ 110.00	\$ 55.00
<input type="checkbox"/> second month	\$ 420.00	\$ 210.00
<input type="checkbox"/> third month	\$ 950.00	\$ 475.00
<input type="checkbox"/> fourth month	\$1,480.00	\$ 740.00
<input type="checkbox"/> fifth month	\$2,010.00	\$1,005.00

Fee Due

\$

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension of _____ months has already been secured. The fee paid therefor \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____.

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA	SMALL ENTITY ADDITIONAL RATE FEE	OR	OTHER THAN SMALL ENTITY ADDITIONAL RATE FEE
TOTAL		MINUS		=	x \$9 = \$		x \$18 = \$
INDEP.		MINUS		=	x \$43 = \$		x \$86 = \$
— FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$145 = \$		+ \$290 = \$
					TOTAL ADDITIONAL FEE \$	OR	TOTAL ADDITIONAL FEE \$

(a) ☒ No additional fee for Claims is required

OR

(b) ☐ Total additional fee for claims required \$

FEE PAYMENT

5. Attached is a check in the sum of \$_____

☐ Charge Deposit Account No. 01-2384 the sum of \$_____.
A duplicate of this transmittal is attached.

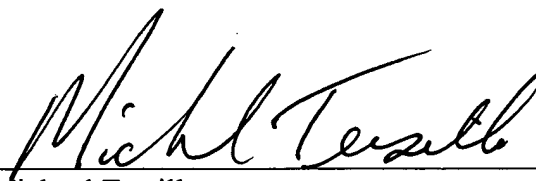
FEE DEFICIENCY

6. ☒ If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

AND/OR

☒ If any additional fee for claims is required, charge Deposit Account No. 01-2384.

7. ☐ Other:



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PATENT

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	:	Art Unit: 3612
Serial No.: 10/706,899	:	
	:	Examiner: K. Patel
Filed: November 13, 2003	:	
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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

In response to the Office Action dated October 26, 2004, Applicants elect for prosecution in this application all claims that belong to Group II, i.e., Claims 8-17.

The requirement for election is traversed because the inventions set out by the claims in Groups I, II, and III clearly are related. Applicants submit that a thorough search and examination of any Group would be relevant to the examination of the other Groups and would not be a serious burden on the Examiner. Additionally, requirements for election are not mandatory under 35 U.S.C.

More particularly, the requirement for election is traversed because the Office Action has not shown that the claims of Groups I, II, and II are patentably distinct in accordance with MPEP § 806.05(c). Groups II, I and III are related as combination (Group II) and sub-combination (Groups I and III). The Office Action suggests that Group I is the combination and Group II is the sub-combination. Applicants disagree with this suggestion because Group II Claim 8 recites an instrument panel system that comprises an instrument panel and an airbag, and Group I Claim

1 recites an instrument panel. Therefore, Group II is the combination and Group I is the sub combination. Applicants submit that Group II Claim 8 (combination) requires the particulars of Group I Claim 1 (sub-combination). Specifically, Claim 8 recites "an instrument panel comprising a thermoplastic base substrate having a first surface and an opposing second surface; a door portion defined by a tear seam notch in at least one of said first surface and said second surface of said base substrate, said tear seam notch defining a periphery of said door portion; and at least one hinge portion defined by a plurality of tear seam notches in at least one of said first surface and said second surface of said base substrate, each said hinge portion interrupting said door portion tear seam notch so that said door portion tear seam notch is not continuous", as recited in Claim 1. Accordingly, Applicants submit that Groups I and II are not patentably distinct.

Further, Applicants submit that Group III is a sub-combination of Group II. Particularly, Applicants submit that Group II Claim 8 (combination) requires the particulars of Group III Claim 18 (sub-combination). Specifically, Claim 8 recites an instrument panel "comprising a thermoplastic base substrate having a first surface and an opposing second surface; a door portion defined by a tear seam notch in at least one of said first surface and said second surface of said base substrate, said tear seam notch defining a periphery of said door portion; and at least one hinge portion defined by a plurality of tear seam notches in at least one of said first surface and said second surface of said base substrate, each said hinge portion interrupting said door portion tear seam notch so that said door portion tear seam notch is not continuous", as recited in Claim 18. Accordingly, Applicants submit that Groups II and III are not patentably distinct. At

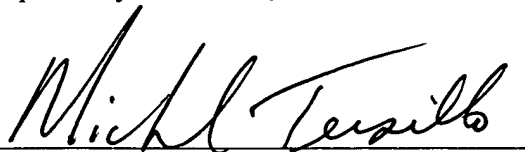
least for the reasons set forth above, Applicants respectfully request that the restriction requirement be withdrawn.

Applicants elect, with traverse, species B shown in Figure 4 for examination. Applicants respectfully submit that Claims 1-3, 6, 8-10, 13, 15-20, 23, and 25 are readable upon species B.

The requirement for election is traversed because the species A, B, C, and D clearly are related. Applicants respectfully submit that independent Claims 1, 8, and 18 are generic and are readable on species A, B, C, and D. Applicant also submits that a thorough search and examination of species B would be relevant to the examination of species A, C, and D, and would not be a serious burden on the examiner. Additionally, requirements for election are not mandatory under 35 U.S.C. Accordingly, reconsideration of the election requirement is requested.

Applicants submit that all the claims now active in this application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael Tersillo", written over a horizontal line.

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